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13 *Bank of America, N.A.*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 BANK OF AMERICA, N.A.;

17 Case No.: 2:16 cv 02280-GMN-NJK

18 Plaintiff,

19 vs.

20 ANTELOPE HOMEOWNERS ASSOCIATION;
21 DANNY AND TATIANNA LLC; THE JAMES
22 LUTZ TRUST; ABSOLUTE COLLECTIONS
23 SERVICES, LLC;

24 Defendants.

25 **STIPULATION AND ORDER TO EXTEND
TIME FOR BANK OF AMERICA, N.A.
TO RESPOND TO ANTELOPE
HOMEOWNERS' ASSOCIATION'S
MOTION TO DISMISS AND ABSOLUTE
COLLECTION SERVICES, LLC'S
JOINDER**

26 **[SECOND REQUEST]**

27 Plaintiff Bank of America, N.A. (**BANA**) and defendants Antelope Homeowners Association
28 (**HOA**) and Absolute Collection Services, LLC (**ACS**) stipulate to extend the time for BANA to
respond to HOA's motion to dismiss and ACS' joinder of the same to September 28, 2018. (ECF Nos.
41 and 44)

1. BANA filed its complaint on September 28, 2016 asserting a quiet title/declaratory
judgment, breach of NRS 116.1113, and wrongful foreclosure against HOA and ACS. (ECF No. 1)

2. HOA filed a motion to dismiss BANA's complaint on October 28, 2016. (ECF No. 15).
BANA filed a response to HOA's motion to dismiss on November 14, 2016. (ECF No. 18)

3. The court entered an order staying this case pending exhaustion of all appeals of
Bourne Valley Court Trust v. Wells Fargo Bank, 832 F.3d 1154 (9th Cir. 2016) on March 9, 2017.

1 The order denied all pending motions, including HOA's motion to dismiss, without prejudice to refile
2 the motions after the stay is lifted. (ECF No. 26)

3 4. The court entered an order lifting the stay on July 20, 2018. (ECF No. 35)

4 5. The court entered a scheduling order setting the close of discovery for January 16, 2019
5 on August 8, 2018. (ECF No. 37)

6 6. HOA filed a motion to dismiss BANA's complaint on August 10, 2018. (ECF No. 41)
7 ACS filed a joinder to HOA's motion to dismiss on August 14, 2018. (ECF No. 44) BANA's response
8 to HOA's motion to dismiss and ACS's joinder is currently due by stipulation on September 7, 2018.
9 (ECF No. 48)

10 7. Due to the number of cases which have become unstayed as a result of the resolution of
11 the certified question, BANA wishes to have additional time to respond to HOA's motion to dismiss
12 and ACS's joinder.

13 8. The parties stipulate to extending BANA's deadline to respond to HOA's motion to
14 dismiss and ACS's joinder to September 28, 2018.

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1 9. The parties do not file this stipulation with the intent to delay, but to ensure all parties
2 have adequate time to present their full cases in dispositive motion briefing.

3 Dated this 6th day of September, 2018

4 **AKERMAN LLP**

5
6 /s/ Vatana Lay
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9 VATANA LAY, ESQ.
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12 Las Vegas, Nevada 89134
13 *Attorneys for Plaintiff*
14 *Bank of America, N. A.*

Dated this 6th day of September, 2018

**ABSOLUTE COLLECTION SERVICES,
LLC**

/s/ Shane D. Cox
SHANE D. COX, ESQ.
Nevada Bar No. 13852
8440 W. Lake Mead Blvd., Suite 210
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*Attorney for Defendant Absolute
Collection Services, LLC*

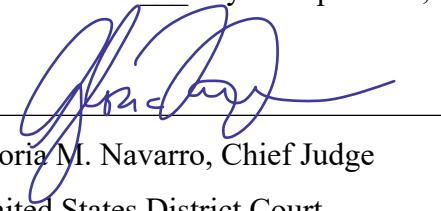
12 Dated this 6th day of September, 2018

13 **LIPSON NEILSON P.C.**

14
15 /s/ Karen Kao
16 J. WILLIAM EBERT, ESQ.
17 Nevada Bar No. 2697
18 KAREN KAO, ESQ.
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21 Las Vegas, NV 89144
22 *Attorneys for Antelope Homeowners Association*

23 **IT IS SO ORDERED.**

24 **DATED** this 18 day of September, 2018.

25 
26 Gloria M. Navarro, Chief Judge
27
28 United States District Court